

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 BRETT A BERGAMO,

11 Plaintiff,

12 v.

13 NANCY A. BERRYHILL, Deputy
14 Commissioner of Social Security for
Operations,

15 Defendant.

CASE NO. 2:17-CV-01351-JRC

ORDER ON STIPULATED
MOTION FOR EQUAL ACCESS
TO JUSTICE ACT FEES,
EXPENSES AND COSTS

16 This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local
17 Magistrate Judge Rule MJR 13 (*see also* Consent to Proceed before a United States Magistrate
18 Judge, Docket entry dated 9/11/2017). This matter is before the Court on Plaintiff's Motion for
19 Fees and Other Expenses (*see* Dkt. 13).

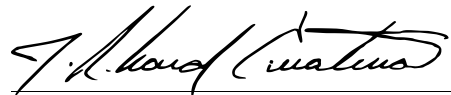
20 Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, ("EAJA"), the Stipulation of
21 the parties (*see* Dkt. 13, Attachment 4), the time and expense itemizations (Dkt. 13, Attachments
22 1, 2), and the relevant record, it is hereby ORDERED that EAJA attorney's fees of \$6,582.63
23 and expenses in the amount of \$15.99, shall be awarded to plaintiff pursuant to the EAJA and
24

1 consistent with *Astrue v. Ratliff*, 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763 at ***6-***7
2 (2010).

3 It is further ORDERED that costs in the amount of \$5.00 shall be awarded to plaintiff
4 pursuant to 28 U.S.C. § 1920.

5 The Acting Commissioner shall contact the Department of Treasury after the Order for
6 EAJA fees and expenses is entered to determine if the EAJA fees and expenses are subject to any
7 offset. If it is determined that plaintiff's EAJA fees are not subject to any offset allowed
8 pursuant to the Department of the Treasury's Offset Program, then the check for EAJA fees shall
9 be made payable to Jeffrey Schwab, based on plaintiff's assignment of these amounts to
10 plaintiff's attorney (*see* Social Security Fee Agreement, Dkt. 13, Attachment 3). If there is an
11 offset, the remainder shall be made payable to plaintiff, based on the practice of the Department
12 of the Treasury (*see, e.g.*, Case No. 2:15-cv-122, Dkt. 22, p. 4). Any check for EAJA fees shall
13 be mailed to plaintiff's counsel, Jeffrey Schwab, at P.O. Drawer 1429, Moses Lake, WA 98837.

14 Dated this 31st day of July, 2018.

15 

16 J. Richard Creatura
17 United States Magistrate Judge
18
19
20
21
22
23
24